

HOUSE BILL 624

E2

2lr2077

By: **Delegates Simmons, Anderson, and Stukes**

Introduced and read first time: February 6, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Notice of Eligibility for Expungement**

3 FOR the purpose of requiring the court, in a criminal case, to provide the defendant
4 with a brochure containing certain information relating to expungement when
5 all of the charges against the defendant are disposed of in a certain manner;
6 providing for the effective date of certain provisions of this Act; providing for the
7 termination of certain provisions of this Act; and generally relating to
8 expungement.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 6–232
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 6–232
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2011 Supplement)
19 (As enacted by Chapter 337 of the Acts of the General Assembly of 2008)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Criminal Procedure**

23 6–232.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In a criminal case, when all of the charges against the defendant are
2 disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet,
3 the court shall:

4 (1) advise the defendant that the defendant may be entitled to
5 expunge the records and any DNA sample and DNA record relating to the charge or
6 charges against the defendant in accordance with Title 10, Subtitle 1 of this article
7 and Title 2, Subtitle 5 of the Public Safety Article; AND

8 (2) PROVIDE THE DEFENDANT WITH A BROCHURE CONTAINING
9 DETAILED, COMPREHENSIVE, AND CURRENT INFORMATION ABOUT THE LAW OF
10 EXPUNGEMENT IN MARYLAND.

11 (b) The failure of a court to comply with subsection (a) of this section does
12 not affect the legality or efficacy of the sentence or disposition of the case.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
14 read as follows:

15 **Article – Criminal Procedure**

16 6–232.

17 (a) In a criminal case, when all of the charges against the defendant are
18 disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet,
19 the court shall:

20 (1) advise the defendant that the defendant may be entitled to
21 expunge the records relating to the charge or charges against the defendant in
22 accordance with Title 10, Subtitle 1 of this article; AND

23 (2) PROVIDE THE DEFENDANT WITH A BROCHURE CONTAINING
24 DETAILED, COMPREHENSIVE, AND CURRENT INFORMATION ABOUT THE LAW OF
25 EXPUNGEMENT IN MARYLAND.

26 (b) The failure of a court to comply with subsection (a) of this section does
27 not affect the legality or efficacy of the sentence or disposition of the case.

28 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
29 take effect on the taking effect of the termination provision specified in Section 4 of
30 Chapter 337 of the Acts of the General Assembly of 2008. If that termination
31 provision takes effect, Section 1 of this Act shall be abrogated and of no further force
32 and effect. This Act may not be interpreted to have any effect on that termination
33 provision.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
2 of Section 3 of this Act, this Act shall take effect October 1, 2012.